



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2206763

Applicant Name: Lyle Snyder

Address of Proposal: 1700 1st Avenue S

SUMMARY OF PROPOSED ACTION

Master Use Permit to change uses within an existing building. The project includes changing 16,940 square feet of existing warehouse use with loading and shipping space, to an 11,815 square foot performing arts theatre and a 5,125 square foot restaurant and lounge. The performing arts theatre will occupy the space currently in warehouse use, the restaurant and lounge will occupy space currently provided for loading and shipping accessory to the warehouse. An additional 3,812 square feet of administrative office space will occupy the same space currently in the same administrative office use supportive to the warehouse use. There will be no augmentation of the existing building envelope. All revisions will be accomplished through remodeling of the existing space. The project also includes recognizing 17 parking spaces on site and establishing an additional 8 spaces, 7 of which have been provided by covenant on the surface parking lot directly north and west of the site across 1st Av S. and S. Massachusetts St.

The following approval is required:

SEPA – Environmental Determination
(Chapter 25.05, Seattle Municipal Code)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The project site fronts on 1st Avenue S., Occidental Avenue S. and S. Massachusetts St. The site is located within the Duwamish Manufacturing/Industrial Center and is zoned IC/85. It is also located within the Stadium Transition Area Overlay District, one full block south of SAFECO Field. The building is currently occupied by a two uses, administrative office and warehouse. The building currently includes 17 accessory parking places along the S. Massachusetts St. frontage of the building which will be re-striped to accommodate 17 parking spaces, included one accessible parking space.

The block to the north of the site and the blocks directly east and west of the site are primarily in warehouse use, with a smattering of office and retail uses. The block north and west of the site is a large surface parking lot; the block north and east of the site is occupied by a large (200 parking spaces) multi-story parking structure, the parking within which is normally accessory to SAFECO Field.

Project Proposal

The proposed project includes a tenant improvement to the ground floor. A Performing Arts Theatre (live music venue, with raised stage but no fixed seating) at 11,815 square feet will occupy the southern two-thirds of the ground floor. A restaurant and lounge, with kitchen and restrooms, at 5,125 square feet, will occupy the north one third of the ground floor. A mezzanine located above the restaurant and lounge area, of 3,812 square feet, will remain unchanged and serve as administrative offices, the current use. The proposed improvement will include changing and adding exiting to the structure and making some minor alterations to the existing building shell. As a result of these alterations, the following redistribution of space will result:

- No net increase or decrease in administrative office use;
- Change of 11,815 square feet currently in warehouse use into a performing arts theatre—a live music venue with stage but without fixed seating;
- Change of 5,125 square feet of loading and shipping space as part of the warehouse use into a restaurant and lounge.

In addition, 17 parking spaces will be located on site according to plan, and an additional 8 spaces will be provided by covenant.

Public Comment

Public notice of the proposed project was published on October 10, 2002. Three comment letters were received during the comment period, which ended on November 7, 2002. Concerns were raised in all three letters about parking and traffic impacts. Two of the letters raised concerns about the possible impacts those in attendance at the performing arts theatre might have on available public services, in particular the behavior of patrons going to and coming from the music venue.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the referenced application materials submitted on October 1, 2002. The information in the applicant's SEPA checklist, project plans, supplemental information and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term adverse impacts are anticipated from the proposal.

Short-term Impacts

Construction Activities

The following temporary or construction-related impacts are expected as a result of the proposed development:

- decreased air quality due to hydrocarbon emissions from construction vehicles and equipment;
- increased traffic and demand for construction equipment and separate trips for personnel;
- increase demand for parking for construction workers;
- increased noise during construction; and
- consumption of renewable and non-renewable resources.

The Building Code regulates construction measures in general. The Energy Code requires energy conservation measures. The Noise Ordinance regulates the timing of, and amount of construction noise which can occur, and will, with the exception of construction noise and traffic impacts, reduce or eliminate short-term impacts to the environment to the extent that they will be sufficient without conditioning pursuant to SEPA policies. The Street Use Ordinance requires mitigation of activities associated with construction, when portions of the right of way are required for construction related activities and regulates obstruction of the pedestrian right-of-way. The Storm Water, Grading and Drainage Codes require mitigation of drainage, erosion or storm water runoff and impacts during construction. Compliance with the above mentioned applicable codes and ordinances would reduce or eliminate most short-term impacts to the

environment as a result of the proposed development. Since the preponderance of construction will take place within the envelope of an existing structure, external environmental impacts will be further reduced.

Traffic and Parking

As indicated in the applicant's Parking Supply/Availability Study, there is a surplus of on street parking availability and an abundance of off-street parking when there are no events in the athletic venues to the north. When either Seahawks Stadium/Exhibition Center or Safeco Field, or both, are in use, the competition for on-street and off-street parking becomes acute. In order to ensure that construction vehicles and equipment do not further limit on-street parking availability, particularly when events are occurring in the athletic field venues, the applicant/responsible party shall ensure that construction vehicles be parked and equipment located within the parking spaces currently located on site for the term of construction. Since the construction is relegated primarily to interior space, with minor alterations to the existing building shell, this would appear to be a reasonable and feasible requirement, and the project is so conditioned below, per authority in SEPA Construction Impacts Policy in SMC 25.05.675B.

Municipal Code Section 11.62 requires truck activities associated with the site's development to use arterial streets to every extent possible. The proposal site is adjacent to an arterial, a half mile of a principal transit street and within the general Duwamish Manufacturing Industrial Center. Access to the construction site will occur and traffic impacts resulting from the truck traffic associated with building activities would be of short duration and mitigated by enforcement of SMC 11.62. Municipal Code Section 11.74 requires that material hauled in trucks not be spilled during transport. As conditioned below, any removal of debris by truck or delivery of construction supplies by truck will be restricted on Mariner game days. No truck trips for hauling debris or truck delivery of materials shall be permitted on Mariner games days for the two hour period before the start of a game until one half hour after the start of the game and for the period commencing two hours after the scheduled start of a game until one hour after the end of the game.

Long-term Impacts

Parking

Historically, parking was provided within the right-of-way, perpendicular to the roadway, along the block face on the south side of S. Massachusetts St., between 1st Avenue S. and Occidental Avenue S. The area where the parking was provided became a part of the subject site in 1995 through Ordinance Number 117475 in response to a petition of the then-owner of the site. Ordinance 117475 vacated the south twenty (20) feet of S. Massachusetts St, from the east margin of First Avenue S. to the west margin of Occidental Avenue S.

The street vacation petition was referred to DCLU at the time and comments on file indicate that the use as parking would continue after the vacation, and that this was regarded as permissible. DCLU recognizes the seventeen (17) existing parking spaces within the vacated portion of the

south twenty feet of S. Massachusetts St. to be legally nonconforming and entitled to remain in place. In order to meet the requirements for parking for the requested change in uses, the applicant has secured through covenant an additional seven (7) spaces on the surface parking lot that lies directly north and west of the site, across 1st Avenue S. and S. Massachusetts St. In order to meet the zoning requirement of SMC 23.74.010 A1b, the applicant shall be required to procure one (1) additional parking space, through covenant, in accord with the requirements of SMC 23.54.025. This shall be required before a certificate of occupancy will be granted.

For the most part, long-term or use-related impacts are not anticipated as a result of approval of this proposal. Most expected impacts will be adequately mitigated through existing ordinances. As supplemental to the SEPA checklist, the applicant was asked to prepare a Parking Supply/Availability Study. The Study was submitted on December 9, 2002, and materials supplemental to the Study were submitted on February 27, 2003. As indicated in the applicant's Parking Supply/Availability Study, there is a surplus of on street parking availability and an abundance of off-street parking when there are no events in the athletic venues to the north. When either Seahawks Stadium/Exhibition Center or Safeco Field, or both, are in use, the competition for on-street and off-street parking becomes keen.

According to the Parking Availability Study prepared on behalf of the applicant by Ivary & Associates, there would be, by count, within a study area which encompassed all legal parking spaces within 800 feet of the project site, an average of 245 on-street parking stalls available during weekday evenings and 237 on-street parking stalls available on Sunday. Within the Study, the Sunday count was projected as an adequate tally for Saturdays also. The Study further determined the number of available off-street parking spaces available in surface-parking lots in the area. On Friday evenings, there were 382 available spaces; on Sunday there were 383 available spaces. Off street parking spaces available on Saturday were projected to be comparable with the Sunday figures.

Using the ITE Parking Generation Manual (2nd edition) as its base, the Study projected a demand of 36 parking stalls for the restaurant use on a weekday evening, a parking demand of 48 spaces for the restaurant operation on a Saturday, and a parking demand of 44 spaces on a Saturday. Since the Parking Generation Manual does not provide any clear comparables for the Concert Hall or Performing Arts Theatre uses, Ivary & Associates consulted with the Traffic Engineering firm of Hamlin & Associates and offered projections for that particular use: at a typical concert evening attracting 1000 persons, between 83 and 167 additional parking spaces could be required to meet the demand.

The Stadium Transition Area Overlay District *limits* parking to be provided for *any* use to one space per 685 square feet. Thus the Code-required parking for the combined proposal of restaurant, music hall and administrative offices is capped at 25. Seventeen (17) of these spaces will be provided on site, along the northern margin of the property. An additional seven (7) spaces, as provided for in SMC 23.54.025, have been secured by means of a Covenant between the project proponent and the owner of the surface parking lot directly west and north of the site, at the corner of 1st Avenue South and S. Massachusetts Street. This Covenant, as provided for in the Land Use Code, was filed with the King County Department of Elections and Records on

October 8, 2002, and bears the filing number 20021008001982. An additional parking space shall be obtained through covenant before a certificate of occupancy shall be granted.

Given the intent and policy of the Stadium Area Overlay cap on providing parking, it is doubtful whether even a less sanguine projection of parking demand for the live music venue on the part of the applicant would trigger further visitation of the issue under SEPA authority. According to the Parking Supply/Availability Study there is an abundant amount of on and off-street parking in the area available to the public when there are no scheduled events at either of the sport venues; parking is a precious commodity on game days.

According to the Management Plan of the proposed tenant for the site, major concert events will not be scheduled to conflict with events in the sports venues. Any change in this management plan would certainly intensify stiffer competition for available parking. It is doubtful, however, that this competition would warrant further conditioning under this review since the non-proliferation of parking is the clear policy intent of SMC 23.74.010 A1b, and the controlling development standards imposed within the Stadium Transition Area Overlay District.

The Seattle Municipal Code (23.54.025), in addition to requiring that the Parking Covenant(s) and accompanying legal descriptions of the principal use lot and the lot(s) be recorded with the King County Department of Records and Elections, requires the owner(s) of the parking spaces to notify the Director of DCLU should the use of the lot(s) for covenant parking cease. In such an event, the principal use must be discontinued, other parking meeting the requirements of the Land Use Code must be provided within thirty (3) days, or a variance must be applied for within fourteen (14) and subsequently granted.

All 25 parking spaces, those provided on site and those procured through covenant, are parking spaces required by this change of use permit and shall be parking spaces accessory to the permitted uses within the building at 1700 1st Avenue S. None of the spaces may be leased out or let out, even short term, as principal use parking, for instance as Mariner game-day parking or as parking for other events or venues. Given the circumstances of operation described in the Management Plan, and given existing Municipal regulations, no further mitigation of parking impacts is deemed necessary.

Traffic

The Master Use Permit process for SAFECO Field required a Transportation Management Plan (TMP) and continues to require that each year an updated and modified TMP for SAFECO Field and the vicinity be submitted to the City for approval. The TMP includes coordination of events between SAFECO Field and Seahawk Stadium/Exhibition Center in order to mitigate traffic impacts. The TMP measures apply to all game-day events as well as to single events other than Major League Baseball with attendance of 15,000 or more. Each year's TMP for SAFECO Field involves the Seattle Mariners, the Seattle Police Department, Seattle Department of Transportation and others (including WSDOT, Metro/King County) working together to create a game day traffic plan aimed at minimizing delays while safely and efficiently moving both vehicular and pedestrian traffic. Two intersections adjacent this project site, that at S.

Massachusetts Street and Occidental Avenue S., and that at S. Massachusetts Street and First Avenue S., are game-day controlled intersections with traffic control under the direct supervision of uniformed City of Seattle police officers. As would be expected, the SAFECO Field TMP indicates that extreme congestion is to be anticipated in the stadium area on game days, especially in the hour following the end of a game.

In addition, the Street Vacation process for the Ballpark called for a Parking and Access Review Committee (PARC) made up of representatives of the Baseball Club of Seattle, 1st and Goal, Inc., the Public Facilities District and others, as well as various neighborhood representatives, including Pioneer Square, the International District, and the North Duwamish Industrial Area, and staff from appropriate governmental agencies to make recommendations to Seattle Department of Transportation (SDOT) and the Department of Design, Construction & Land Use (DCLU) regarding traffic and parking issues.

The “Management Plan” for the proposed combined restaurant/lounge and music venue voluntarily precludes holding any major concerts on days when the TMP for SAFECO Field is in effect; therefore, there should be no impacts on the overall traffic in the area of such significance that further mitigation would be required. But, since coordination in the scheduling of events is crucial to this effort and since the sharing of information regarding calendars is vital to the facilitation of coordinated scheduling, a representative of the commercial interests at 1700 1st Avenue S. (owner or lessee) is encouraged to function as one of the official representatives to the Parking and Access Review Committee (PARC) and to regularly attend meetings of the body. Whether operating in that capacity or not, the owner/ lessee (or representative) shall attend the PARC meetings, or otherwise establish means to present to PARC, in as timely a fashion as possible, the schedule of all major events planned for the music venue. The owner/lessee (or representative) shall regularly obtain from the other parties of PARC, in timely fashion and in order to facilitate their own planning schedules, the schedules of all major events planned for the vicinity.

Public Services and Facilities

During the public comment period for this proposal some neighbors to the proposal raised the issue whether this site would become a potential “Rave” venue. DCLU is not in a position to act as a cultural arbiter or to pass on the propriety or value of musical expressions. “Raves” and “Rave Parties,” however, have been widely identified as placing additional demands on public resources, including police and emergency medical personnel.

No SEPA authority is provided to mitigate the merely hypothetical impacts that the boisterous activities or even noisome behavior of individuals, in transit to or from the proposal site, to hear whatever kind of musical performance, might produce. It is assumed that any behavior of an illegal nature, on site or off site, will be addressed by existing laws and ordinances and by the

enforcement of such laws and ordinances. There is no reason to believe that existing public services and facilities, including police, emergency-medical or public health services are inadequate to deal with untoward or illegal behaviors associated with individuals who may be attending events or traveling to or from events at the performing arts venue, or elsewhere, in the neighborhood.

In addition, the Lease Agreement which is a part of the public record and file for this project explicitly excludes this site as a “Rave” venue. According to the terms of the Lease Agreement between the applicant and the proposed tenant, the “Tenant shall not permit its employees or invitees, or anyone else to have a ‘Rave Party’ on the Premise at any time.” No further mitigation is therefore considered necessary.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)©.

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)©.

CONDITIONS-SEPA

During Construction

1. In order to ensure that construction vehicles and equipment do not further limit on-street parking availability in the immediate area, particularly when events are occurring in the athletic field venues, the applicant/responsible party shall see to it that construction vehicles are parked and equipment located within the parking spaces currently located on the north portion of the site to the extent possible during the term of construction.

2. Any removal of debris by truck or delivery of construction supplies by truck will be restricted on Mariner game days. No truck trips for hauling debris or truck delivery of materials shall be permitted on Mariner games days for the two hour period before the start of a game until one half hour after the start of the game and for the period commencing two hours after the scheduled start of the game until one hour after the end of the game.

Before Certificate of Occupancy is granted

3. In order to meet the zoning requirement of SMC 23.74.010 A1b, the applicant shall be required to procure one (1) additional parking space, through covenant, in accord with the requirements of SMC 23.54.025.

For the life of the project, or until such a time as the PARC may be disbanded

4. A representative of the commercial interests at 1700 1st Avenue S., owner/lessee (or representative) shall regularly attend the meetings of the region's Parking and Access Review Committee (PARC), or otherwise establish means to present to the committee, in as timely a fashion as possible, the schedule of all major events planned for the music venue. The owner/lessee (or representative) shall regularly obtain from other parties to the PARC, in timely fashion and in order to facilitate and coordinate its own planning schedules, the schedules of all major events planned for the vicinity.

Signature: (signature on file) Date: March 31, 2003
Michael Dorcy, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

MD:bg

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